



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,951	04/20/2001	Liang-Yu Chi	027-0004	1707

22120 7590 06/22/2005

ZAGORIN O'BRIEN GRAHAM LLP
7600B N. CAPITAL OF TEXAS HWY.
SUITE 350
AUSTIN, TX 78731

EXAMINER

TRINH, SONNY

ART UNIT	PAPER NUMBER
----------	--------------

2687

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,951

Applicant(s)

CHI, LIANG-YU

Examiner

Sonny TRINH

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 3-5, 14-16, 34, 35 and 38-40 is/are allowed.
6) ☒ Claim(s) 1, 2, 6-13, 17-28 and 30-37 is/are rejected.
7) ☒ Claim(s) 29 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/21/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-2, 6-13, 17-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1-2, 6-8, 11, 13, 18-19, 25-27, 30-33** are rejected under 35 U.S.C. 102(a) as being anticipated by Sugita ("Sugita"; U.S. Patent Number 6,075,778).

Regarding **claim 1**, Sugita teaches a method of presenting information on space constrained of a portable device (abstract, portable devices are inherently small in size), the method (see flowcharts in figures 9-10) comprising:

associating a first indication on the display with a user-defined external state (see columns 14-15, specifically line 63 of column 14 to line 10 of column 15); establishing a user-defined operation for monitoring the user-defined external state (column 4 lines 22-43); and updating the first indication on the display in accordance with the monitored user-defined external state in response to an information encoding thereof received via a telecommunications network (column 4 line 22 to line 2 of column 5).

Regarding **claim 2**, Sugita further teaches that the user-defined external state is a weather, news (claim 1).

Regarding **claim 6**, Sugita further teaches that the step of retrieving from a networked computational service remote from the portable device, an information encoding in correspondence with a result of the performed user-defined operation (column 4 lines 22-43).

Regarding **claims 7-8**, Sugita further teaches that the user-defined external state is selected from amongst a predetermined set of external states available for monitoring (column 14 line 62 to column 15 line 10) and inherently selected from amongst a predetermined set of at least partially-predefined queries.

Regarding **claim 11**, Sugita further teaches that the associating of the first indication with the user defined external state and the establishing of the user-defined operation are performed via the portable device (column 4 lines 22-43).

Regarding **claim 13**, Sugita further teaches that the first indication is a graphical indication (column 4 lines 22-43, such as the "display items indicating the type of information being provided").

Regarding **claim 18**, Sugita further teaches that the portable device is a phone (abstract, figure 8).

Regarding **claim 19**, Sugita further teaches that the telecommunications network transmission and routing facilities include a wireless voice network (figure 1, see cellular network 3 and information service center 2).

Regarding **claims 25-27**, these 3 claims combined reflect the computer program necessary for performing the steps as specified in claim 1 and is therefore rejected for the same reasons.

Regarding **claim 30**, it is inherent that the computer program product is selected from an electronic storage medium, Sugita discloses a communication network for delivering data such as stock prices, news, weather to the portable telephone (claim 1).

Regarding **claims 31-32**, these 2 claims combined merely reflect the means necessary for performing the steps as specified in claim 1 and are therefore rejected for the same reasons.

Regarding **claim 33**, Sugita further teaches a user defined operation / selection (column 4 lines 22-43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 9-10, 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugita ("Sugita"; U.S. Patent Number 6,075,778) in view of Harui ("Harui" U.S. Patent Number 6,690,394).

Regarding **claims 9-10**, Sugita discloses the invention but does not disclose that the associating of the first indication with the user-defined external state is performed without use of the portable device.

In an analogous art, Harui teaches the method and apparatus for delivering WEB data to a wireless device (abstract). Harui further teaches that a user can specify the amount of information and how often to send that information to a cellular telephone (figures 3-4, see descriptions) which inherently indicates that the use of the portable device is not needed for the request of information and the establishing of the user-defined operation is performed without use of the portable device.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Sugita, the step of using networked computational service remote from the portable device, as taught by Harui, to eliminate the need for having a browser on the portable device to save time and memory by allowing the user to specify the information to be delivered to the wireless device at a computational device such as a computer connected to the internet.

Regarding **claim 12**, Harui further teaches that the user-defined operation includes a query executable at a networked computational service remote from the portable device (figures 1,3-4, see descriptions).

4. **Claims 17, 36-37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugita ("Sugita"; U.S. Patent Number 6,075,778).

Regarding **claim 17**, Sugita discloses the invention but does not explicitly disclose that the display device includes a two-dimensional array of display elements suitable for simultaneously presenting plural visual indications displaced throughout at least a portion thereof. However, portable device such as telephone with plurality of displays is well known and widely used in the wireless communication field and the

Art Unit: 2687

Examiner takes Official notice of such use in order to provide to the user additional information that one display normally cannot provide.

Regarding **claims 36-37**, Sugita discloses the invention but does not explicitly disclose that the first indication is a graphical indication representing one of at least two states nor the graphical indication is a binary indicator. However, since Sugita teaches that different data can be downloaded to the portable device (see abstract, column 4), it is obvious and well within the level of a person of ordinary skill in the art to present the indication to the user in different states such as binary indicator, by using only binary information, the information presented can be minimized, resulting in space savings.

5. **Claims 20-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugita ("Sugita"; U.S. Patent Number 6,075,778) in view of Yamamoto ("Yamamoto" U.S. Patent Number 6,297,9454).

Regarding **claim 20**, with reference to figures 1, 8 and descriptions, Sugita discloses a portable device comprising :

a space-constrained display (inherent in a portable device) with a communications interface to a telecommunications network (figures 1, 8), the communications interface coupled to the space-constrained display (figure 8, see display 53) and allowing the portable device to receive information encoding one or more external states and to update respective ones of the visual indications based on respective user-defined associations with the external states (column 4 lines 22-43).

However, Sugita does not disclose that the portable device including a two-dimensional array of display elements suitable for simultaneously presenting plural visual indications displaced throughout at least a portion thereof.

In an analogous art, Yamamoto teaches a portable electronic terminal apparatus having a plurality of displays (see figures 4, 7, 9, 11 and descriptions in columns 1-4).

Since both Sugita and Yamamoto relates to portable devices with different ways of presenting information to the user via display, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the mobile terminal of Armstrong, the multiple displays, as taught by Yamamoto, in order to present more information to the user without having to perform complex manipulation to the display.

Regarding **claim 21**, Sugita further discloses the external states are user selected such as weather(claim 1).

Regarding **claim 22**, Yamamoto further teaches that the plural visual indications are grouped based on correspondence of the associated external states (column 4, specifically lines 19-24).

Regarding **claim 23**, Sugita further teaches that the telecommunications network includes a wireless data network (figure 1, see description).

Regarding **claim 24**, Sugita further teaches that the portable device embodied as a phone (figure 8).

Art Unit: 2687

6. **Claims 28** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugita ("Sugita"; U.S. Patent Number 6,075,778) in view of Makipaa et al. ("Makipaa" U.S. Patent Number 6,556,217 B1).

Regarding claim 28, Sugita discloses the invention but does not disclose the information server that accesses one or more data stores in which results of monitoring of the user defined external states are encoded.

In an analogous art, Makipaa teaches a system and method for content adaptation and pagination based on terminal capabilities. Makipaa further teaches the information server for storing different information such as stock exchange, commodities market, sports etc. (figure 1, content server 20, column 4 line 39 to line 15 of column 5).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the information server, as taught by Makipaa, with the system of Sugita, in order to provide the desired information and display it according to the user selections.

Allowable Subject Matter

7. **Claims 3-5, 14-16, 34-35, 38-40** are allowed.

Claims 3, 14-15 have been rewritten in independent forms including the objected limitations raised by the Examiner in the previous Office action and are therefore allowable.

Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 29**, the prior art provided numerous examples of presenting data to the user with space constrained display, but failed to disclose or fairly suggest the specific combination of structural and functional limitations set forth in claim 29, specifically, wherein the first functional sequence is embodied at least in part as code implementing a web page accessible from either or both of the portable device and a networked computer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 703-305-1961. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester KINCAID can be reached on 703-306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/16/05


SONNY TRINH
PRIMARY EXAMINER